

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

Atlantic Mutual Insurance Company,  
  
Plaintiff,

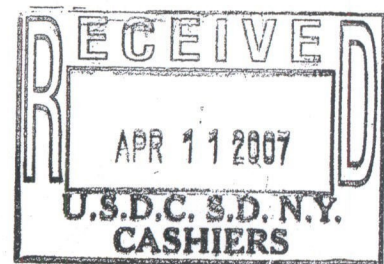
CIVIL ACTION NO.

07 CV

JUDGE KOELT  
2910

v.

Universal Underwriters Insurance  
Company,  
  
Defendant.



NOTICE OF REMOVAL

AND NOW, comes Defendant, Universal Underwriters Insurance Company, by and through its attorneys, Cartafalsa, Slattery, Turpin & Lenoff, and files this Notice of Removal pursuant to 28 U.S.C. §1441. *et seq.* Defendant submits that the United States District Court for the Southern District of New York has original diversity jurisdiction over this civil action, and that this matter may be removed to this District Court in accordance with the procedures provided at 28 U.S.C. §1446. In further support of this Notice of Removal, Defendant states as follows:

1. Plaintiff, Atlantic Mutual Insurance Company (hereinafter "Atlantic Mutual"), initiated this action in the Supreme Court of the State of New York, County of New York, with the filing of a Complaint for declaratory judgment at Index No. 600637/07 on or about March 1, 2007.

2. Atlantic Mutual seeks a declaratory judgment as to the coverage obligations of Universal Underwriters Insurance Company (hereinafter "Universal Underwriters") as it relates to an umbrella policy issued to Paramus Auto Mall, Inc. in connection with an April 15, 2005 motor vehicle accident involving Jerry B. Stern who was alleged to be an employee of Paramus Auto Mall, Inc. at the time of the accident.

3. Attached hereto is a true and correct copy of Plaintiff's Complaint for Declaratory Judgment. Upon information and belief, the Complaint represents all of the pleadings filed in connection with the State Court action.

4. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. §1332, which confers jurisdiction over all civil actions where the matter and controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.

5. The amount in controversy exceeds the sum or value of \$75,000 exclusive of interest and costs.

6. The umbrella coverage at issue has a limit which is in excess of this Court's minimum jurisdictional limits.

7. Plaintiff, Atlantic Mutual, is alleged to be a domestic corporation with a principal place of business at 100 Wall Street, New York, New York, 10005.

8. Universal Underwriters Insurance Company is neither a New York corporation nor has its principal place of business in New York. Rather, Universal Underwriters Insurance Company is a Kansas corporation with its principal place of business in Kansas.

9. As Atlantic Mutual is a citizen of New York and Universal Underwriters is incorporated in Kansas with a principal place of business in Kansas – and because the amount in

controversy exceeds \$75,000 – the United States District Court for the Southern District of New York has original diversity and jurisdiction over this matter pursuant to 28 U.S.C. §1441.

10. Universal Underwriters submits that this matter may be removed to the United States District Court for the Southern District of New York pursuant to 28 U.S.C. §1441, which permits removal of any civil action for which the District Courts have original jurisdiction.

WHEREFORE, the Defendant, Universal Underwriters Insurance Company, hereby removes this civil action to the United States District Court for the Southern District of New York, pursuant to 28 U.S.C. §1441.

Respectfully submitted,

~~Cartafalsa, Slattery, Turpin & Lenoff~~

By: 

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Insurance Company*